

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID N. ROGERS,

Plaintiff,

v.

Civil Action 2:15-cv-2441

Judge James L. Graham

Magistrate Judge Elizabeth P. Deavers

CITY OF ZANESVILLE, et al.,

Defendants.

REPORT AND RECOMMENDATION

The Court granted Plaintiff's Motion for Leave to Proceed *in forma pauperis* on June 24, 2015. (ECF No. 2.) On November 18, 2015, the Court ordered Plaintiff to effect service upon Defendants within fourteen days or to alternatively show cause why the Court should not dismiss this action pursuant to Rule 4(m). (ECF No. 6.) On November 30, 2015 Plaintiff responded to the Court's Order and consented to the Court's dismissal of this matter without prejudice. (ECF No. 7.) It is therefore **RECOMMENDED** that the Court **DISMISS** this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Response to objections must be filed within fourteen (14) days after being served with a copy.

Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

IT IS SO ORDERED.

Date: December 1, 2015

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE